

REMARKS

The Office Action mailed August 25, 2008 has been carefully considered. Within the Office Action Claims 28-61 have been rejected. The Applicants have amended Claims 28, 39, 51 and 62. Reconsideration in view of the following remarks is respectfully requested.

Rejection under U.S.C. § 102

Claims 28-61 stand rejected under 35 U.S.C. § 102(b) as being allegedly unpatentable over U.S. Patent No. 5,781,172 to Engel. (hereinafter “Engel”). The Applicants respectfully traverse.

According to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102(a), (b) and (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

Engel describes a device having a sphere having two rotary wheels in contact with the surface of the sphere. The wheels have a rotational axis perpendicular to the surface of the sphere and rotate about their respective rotational axis when operated by attached motors. The motor cause the wheels to move with (or against) the motion of the sphere to impart a corresponding assistive or resistive force onto the sphere to thereby speed up or slow down the sphere as it is moved by the user. By rotating about their axes, the wheels do not apply a force orthogonally or perpendicular to the surface of the sphere, but instead along with (or against) the rotational movement of the sphere to influence movement of the sphere.

Amended Claim 28 recites, *inter alia*, an actuator coupled to the housing and configured to output haptic feedback to the sphere, the haptic feedback being a force applied the actuator orthogonally to a surface of the sphere, the haptic feedback being based on the sensor signals. This is different than Engel, because Engels teaches that the force is applied along (or against)

the rotational motion of the sphere to provide feedback to the user. For at least these reasons, Engel does not teach all the elements/limitations of the embodiment in Claim 28 and Claim 28 is thus distinguishable. Accordingly, a *prima facie* case of anticipation has not been established, and withdrawal of the rejection is respectfully requested. Considering that Claim 28 is distinguishable over the cited art, Claim 28 is in condition for allowance.

Amended Claim 39 recites, *inter alia*, an actuator coupled to the housing, the actuator being configured to output haptic feedback to the sphere, wherein the haptic feedback does not resist or assist movement of the sphere as the sphere is moved. This is different than Engel, because Engel teaches that the force is applied along or against the movement of the sphere. Applicant's specification supports this limitation in that it specifically states the force applied by the actuator does not generate forces which are meant to resist or assist movement of the sphere. For at least these reasons, Engel does not teach all the elements/limitations of the embodiment in Claim 39 and Claim 39 is thus distinguishable. Accordingly, a *prima facie* case of anticipation has not been established, and withdrawal of the rejection is respectfully requested. Considering that Claim 39 is distinguishable over the cited art, Claim 39 is in condition for allowance.

Amended Claim 51 recites, *inter alia*, an actuator configured to output haptic feedback to the sphere, the haptic feedback including a force applied by the actuator in a direction perpendicular to the surface to the sphere, the haptic feedback being based on the sensor signals. In addition, amended Claim 62 recites, *inter alia*, outputting a haptic feedback force onto the sphere in a direction orthogonal to the rotation of the sphere from an actuator in response to said simulated interaction or event in said graphical environment. This is different from Engel, because Engel teaches that the force is applied along (or against) the direction of the rotational movement of the sphere. For at least these reasons, Engel does not teach all the elements/limitations of the embodiment in Claims 51 and 62 and Claims 51 and 62 are thus

distinguishable. Accordingly, a *prima facie* case of anticipation has not been established, and withdrawal of the rejection is respectfully requested. Considering that Claims 51 and 62 are distinguishable over the cited art, Claims 51 and 62 are condition for allowance.

Claims 29-33, 37-38, 40-43, 46-49, 50-52, 53-54, and 58-61 are respectively dependent on Independent Claim 29, 39, and 51, of which these independent claims are allowable. Accordingly, Claims 29-33, 37-38, 40-43, 46-49, 50-52, 53-54, and 58-61 are allowable for being dependent on allowable base claims.

Rejection under 35 U.S.C. § 103

Claims 34-36, 44-45, and 56-57 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable to Engel in view of U.S. Patent No. 7,024,625 to Shalit. This rejection is respectfully traversed.

Claims 34-36, 44-45, and 56-57 are respectively dependent on Independent Claim 29, 39, and 51, of which these independent claims are allowable. Accordingly, Claims 29-38, 40-48, 50, and 52-61 are allowable for being dependent on allowable base claims.

Conclusion

It is believed that this reply places the above-identified patent application into condition for allowance. Early favorable consideration of this reply is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-3557. A one month extension fee is included with this response.

Respectfully submitted,

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/Suvashis Bhattacharya/
Suvashis Bhattacharya
Reg. No. 46,554

Nixon Peabody LLP
200 Page Mill Road
2nd Floor
Palo Alto, CA 94306
Tel. (650) 320-7700
Fax. (650) 320-7701